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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,	)	
	)	2:20-cr-00301-RFB-BNW
Plaintiff,	)	
	)	
vs.	)	
	)	
HUY NGOC TRAN,	)	
	)	
Defendant.	)	

**UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE  
INVESTIGATION REPORT AND PROPOSED ORDER**

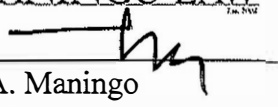
COMES NOW, HUY NGOC TRAN, by and through his attorney of record, LANCE A. MANINGO, of MANINGO LAW, and hereby moves this Honorable Court to order the United States Department of Parole & Probation to conduct a Pre-Plea Presentence Investigation Report ("Pre-Plea PSR") of HUY NGOC TRAN.

This request is based upon the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and any oral argument the Court may entertain.

DATED this 28<sup>th</sup> day of December, 2021.

MANINGO LAW

By:

  
Lance A. Maningo  
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400 South 4<sup>th</sup> Street, Suite 650  
Las Vegas, Nevada 89101  
Attorney for Defendant TRAN

## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. STATEMENT OF FACTS**

On October 27, 2020, a federal grand jury returned an Indictment charging the Defendant, Huy Ngoc Tran, with one count of Conspiracy to Distribute a Controlled Substance- Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii) and 846; three counts of Distribution of a Controlled Substance - Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii) and 18 U.S.C., § 2; two counts of Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) and one count of Possession with Intent to Distribute a Controlled Substance - Methamphetamine, 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii) and 18 U.S.C., § 2.

### **II. LEGAL ARGUMENT**

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32.

Counsel requires a pre-plea presentence investigation report to determine whether Mr. Tran is potentially eligible for Career Offender or Armed Career Criminal; and/or to determine the criminal history category applicable to Mr. Tran.

Counsel understands that Mr. Tran has prior felony convictions, however, counsel cannot accurately calculate the applicable criminal history category or whether Mr. Tran qualifies as a Career Offender or for the Armed Career Criminal (“ACCA”) sentencing enhancement without the information that would be provided in the Pre-Plea PSR. Mr. Tran’s eligibility for Career Offender and the ACCA will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. It is equally important for Mr. Tran to know his criminal history category. In addition, the timing of Mr. Tran’s prior convictions could impact his sentencing guideline range and criminal history

score. A Pre-Plea PSR will promote judicial economy and could greatly expedite the manner in which this case is resolved. Furthermore, Mr. Tran consents to the Pre-Plea PSR.

Counsel has spoken to the Government and they do not oppose the instant motion.

### III. CONCLUSION


Based on the foregoing, Defendant asks this Court to grant this Motion and order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Tran.

DATED this 23<sup>rd</sup> day of December, 2021.

 **MANINGO LAW**  
Law, P.C.

By: \_\_\_\_\_

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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,	)	
	)	2:20-cr-00301-RFB-BNW
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
HUY NGOC TRAN,	)	
	)	
Defendant.	)	

IT IS HEREBY ORDERED that that the United States Department of Parole and Probation will prepare a Pre-Plea Presentence Investigation Report on Defendant HUY NGOC TRAN.

DATED this 28th day of December, 2021.

  
 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF ELECTRONIC SERVICE**

1 That on the 23<sup>rd</sup> of December, 2021, I served an electronic copy of the above and  
2 foregoing UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE  
3 INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the  
4 person(s) named below:  
5

6 JAKE OPERALSKI  
7 Assistant United States Attorney  
8 333 Las Vegas Blvd. South, #5000  
9 Las Vegas, NV 89101  
10 *Counsel for United States*

11   
12 Employee of Maningo Law